IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Bradshaw Road,

360' N of McCubbin Avenue

(7923 Bradshaw Road) 11th Election District

5th Councilmanic District

Gary E. Rosenberger, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-226-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 7923 Bradshaw Road, located in the vicinity of McCubbin Avenue in Upper Falls. The Petition was filed by the owners of the property, Gary E. and Karen C. Rosenberger. The Petitioners seek approval of an apartment unit in a principal dwelling on R.C.5 zoned property, and variance relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 42 feet in lieu of the required 50 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions was Karen C. Rosenberger, property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 5.29 acres, more or less, zoned R.C. 5 and is improved with a 1 and 1/2 story dwelling. The Petitioners are desirous of constructing a first floor addition on the southeast side of the existing dwelling to provide separate living quarters for Mrs. Rosenberger's mother. Due to the irregular shape of the lot, the location of existing improvements thereon, and its R.C.5 zoning designation, the special hearing and vari-

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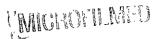
ance relief requested are necessary in order to proceed with the proposed improvements. Inasmuch as there were no adverse comments from any Baltimore County reviewing agency, nor any opposition from any adjoining property owner, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and.
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any



injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance requests should be granted.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing relief granted herein is limited to the Petitioners' family members, only, and is not transferable to an outside party.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

PIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

HERENY POR FILMS

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Baltimore County Zoning Commissioner Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

January 7, 1997

Mr. & Mrs. Gary E. Rosenberger 7923 Bradshaw Road Upper Falls, Maryland 21156

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
W/S Bradshaw Road, 360' N of McCubbin Avenue
(7923 Bradshaw Road)
11th Election District - 5th Councilmanic District
Gary E. Rosenberger, et ux - Petitioners
Case No. 97-226-SPHA

Dear Mr. & Mrs. Rosenberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

huntly llotro co

for Baltimore County

TMK:bjs

cc: Mr. Daniel Stipek 11210 Sandyvale Road, Bradshaw, Md. 21021

People's Counsel

File

MCREET



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1923 Brudshaw RL

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Petition for Variance

to the Zoning Commissioner of Baltimore County

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OF MCCUBBIN AVE. 20, THENCE THE FOLLOWING
COURSES AND DISTANCES : S. 53° 25'00 W 150 FT,
N 28° 50' 14"E 90,64 FT, N 45° 26' 37"W 93,08 FT,
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The Zoning Commissioner of Batitrore Councy, by authority of the Zoning Act and Regulations of Batimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chescheeke Avenue in Towson, Maryland 21284 or Room 118, Old Courthoise, 400 Washington the Assessing Lonison, Maryland 21284 as significant.

5th Councilmanic
Legal Owner(s):
Gary E. Rosenberger and
Karen C. Rosenberger
Variance: to permit a lot fine
settack of 42 feet in iteu of the
required 50 ft. Special Hearing: to approve an apadment
unit in a principal dwelling on
R.C.-5 zoned property.
Hearing: Monday, December
30, 1986 at 930 a.m. in Rim.
118, Old Courthouse. (Nam 225) 7923 Bradshaw Road 7923 Bradshaw Road, 360' N/S of Bradshaw Road, 360' N of McCubbin Avenue 11th Election District

LAWRENCE E. SCHMIDT Zonling Commissioner for Batimore County NOTES: (1) Hearings are Handicapped Accessible; for Special accommodations Please Call 807-3253. (2) For information concerning the File and/or Hearing, Please Call 887-3391;

12/028 Dec. 5

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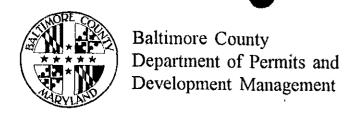
CERTIFICATE OF PUBLICATION

TOWSON, MD.,	
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weeks, the first publication appearing on_ in Towson, Baltimore County, Md., once in each of published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was Successive , 1996.

THE JEFFERSONIAN,

EGAL AD. - TOWSON



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



ZONING HWAPT TON TISING AND POSTI

"COUTREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

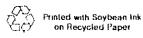
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Ã	RNOLD JABLON, DIRECTOR
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For newspaper advertising:	
Item No.: 226 Petitioner: KAREN	POSENBERGER_
Location: 7923 Brashaw Rs.	Upper folls, Md. 21156
PLEASE FORWARD ADVERTISING BILL TO:	
NAME:	
ADDRESS:	
PHONE NUMBER: 592-9744	



Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.:_____

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

DATE AND TIME					· · · · · · · · · · · · · · · · · · ·		
REQUEST: A PRINCE	TO A	PPPOUE	AN	APARTA	1ENT	UNIT	IN
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DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc 126

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.:_____

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

226

· Marine Carlo

CERTIFICATE OPOSTING

	RE: Case No.: 97-226 A
	Petitioner/Developer:
	KAREN C. ROSENBERGER
	Date of Hearing/Closing: 12/30/96
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of pewere posted conspicuously on the property location 7923 BRADSE	ated at
The sign(s) were posted on	14,15% (6) Month, Day, Year)
20 BRADSHAW RD	Sincerely, Signature of Sign Poster and Date) (Signature of Sign Poster and Date) (Printed Name) 904 DELLYOUD DR. (Address) FALLS TON, MO. 21047 (City, State, Zip Code) (A10) 879-3122- (Telephone Number)
	(input trained)

POSTED 12/14/96

TO: PUTUXENT PUBLISHING COMPANY

December 5, 1996 Issue - Jeffersonian

Please foward billing to:

Gary E. Rosenberger Karen C. Rosenberger 7923 Bradshaw Road Upper Falls, MD 21156 592-9744

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-226-A (Item 226)

7923 Bradshaw Road

W/S of Bradshaw Road, 360' N of McCubbin Avenue 11th Election District - 5th Councilmanic

Legal Owner(s): Gary E. Rosenberger and Karen C. Rosenberger

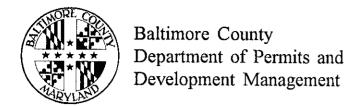
Variance to permit a lot line setback of 42 feet in lieu of the required 50 ft. Special Hearing to approve an apartment unit in a principal dwelling on R.C.-5 zoned property.

HEARING: MONDAY, DECEMBER 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-226-A (Item 226)

7923 Bradshaw Road

W/S of Bradshaw Road, 360' N of McCubbin Avenue

11th Election District - 5th Councilmanic

Legal Owner(s): Gary E. Rosenberger and Karen C. Rosenberger

Variance to permit a lot line setback of 42 feet in lieu of the required 50 ft. Special Hearing to approve an apartment unit in a principal dwelling on R.C.-5 zoned property.

HEARING: MONDAY, DECEMBER 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

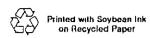
Arnold Jablon

Director

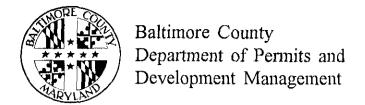
cc: Gary and Karen Rosenberger

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 15, 1996.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



MCROFILMED



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

December 17, 1996

Mr. and Mrs. Gary Rosenberger 7923 Bradshaw Road Upper Falls, MD 21156

RE: Item No.: 226

Case No.: 97-226-A

Petitioner: Gary Rosenberger, et ux

Dear Mr. and Mrs. Rosenberger:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely.

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

12/30

December 4, 1996

DATE:

TO: Arnold Jablon, Director

Permits and Development Management

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FROM: Arnold F. 'Pat' Keller, III, Director Office of Planning

SUBJECT: 7923 Bradshaw Road

INFORMATION:

Item Number:	226
Petitioner:	Rosenberg Property
Property Size:	
Zoning:	RC~5
Requested Action:	
Hearing Date:	/ /

SUMMARY OF RECOMMENDATIONS:

The applicants' request is for a Special Hearing to approve an apartment unit in a principal dwelling on RC-5 zoned property.

Provided that use of the apartment unit is restricted to a family member of the applicant, this office does not oppose the Petitioner's request.

Prepared by:

Division Chief:

AFK/JL:vic

Burgara Tara

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

December 6, 1996

TO: Mr. Arnold Jablon, Director

Zoning Administration and Development Management

FROM:

R. Bruce Seeley A1854

DEPRM

SUBJECT: Zoning Item #226 - Rosenberger Property

Bradshaw Road

Zoning Advisory Committee Meeting of December 2, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Ground Water Management

A variance to Maryland State Well Construction Regulations will be required should the addition be closer than 30 ft. to the existing well. Contact GWM at 887-2762 for more information.

RBS:GP:sp

ROSENBER/DEPRM/TXTSBP



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County /2 · 13 · 9 -

Item No. 226 (scm)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

f. J. Gredler

/r Ronald Burns, Chief

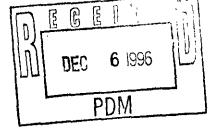
Engineering Access Permits

Division

LG

Baltimore County Government Fire Department





700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 12/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF DEC. 02, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 185,220,221,222,223,226,227 AND 231.

RÉVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink

William Value

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 5, 1996

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for December 9, 1996

Item Nos. 185, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230,

& 231

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

N. G. C. C. Carlin

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

leter Mars Zinneman

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

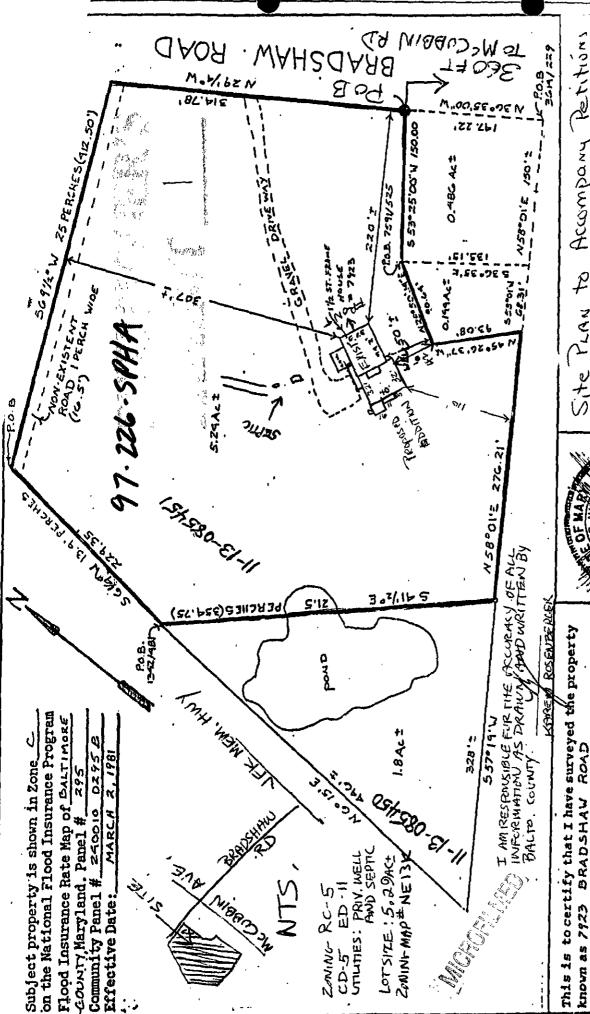
Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 36 day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Gary E. and Karen C. Rosenberger, 7923 Bradshaw Road, Upper Falls, MD 21156, Petitioners.

PETER MAX ZIMMERMAN

MICROFILMED.



Site Plan to Accompany Petitions for Special Hearing , Variance

ī		
	NIT ASSOCIATES, INC.	Scale
	16205 Old Frederick Road	Date
	Mt. Airy, Maryland 21771	Field
Ý	Phone 442-2031	Drawn



Eheet - of - recorded wieses 470 Facios 481 among the Lind Records of BALTIMORE county, Haryland for the

purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS

NOT TO BE USED TO ESTABLISH PROPERTY LINES

J. Carl Hudgins PLS#96

Drawing # 2354

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7.0.0

2.21-88

and

